

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ORDER

Plaintiff Eddie Judkins, who was previously confined at the White County Jail, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff tore ligaments in his knee when he fell during his confinement at White County Jail and the resulting injury required surgery. Despite Plaintiff's injury, Defendants did not schedule him for surgery and Plaintiff still had not received the operation when he was transferred to the custody of the Tennessee Department of Corrections nine months after his fall. Plaintiff alleges that Defendants have a policy of not scheduling inmates for needed surgery that they have been deliberately indifferent to his medical needs in violation of his rights under the Eighth Amendment.

Defendants moved for summary judgment. (Docket Nos. 66 and 71). Plaintiff neither responded to the Motions for Summary Judgment nor complied with Magistrate Judge Brown's Order to Show Cause. (Docket No. 82). Magistrate Judge Brown has issued a Report and Recommendation ("R & R") (Docket No. 85) in which he recommends that Defendants' motions be granted and this case dismissed with prejudice. Despite being advised that any objection needed to be filed within fourteen days, Plaintiff has filed none. Having considered the matter de novo as required by Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the

recommended disposition.

Accordingly, the Court hereby rules as follows:

- 1) The Report and Recommendation (Docket No. 85) is ACCEPTED and APPROVED;
- 2) Defendants' Motions for Summary Judgment (Docket Nos. 66 and 71) are GRANTED;
- 3) This case is DISMISSED WITH PREJUDICE; and
- 4) The Court certifies that any appeal would not be taken in good faith. See 28 U.S.C. § 1915(a)(3).

The Clerk of the Court shall enter judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.


KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE